

MAY 05 2005

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FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

MAY -5 AM '02

**SENSITIVE**

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2  
3 In the Matter of )  
4 )  
5 Westar Energy, Inc. )  
6 )  
7 )  
8 Carl M. Koupal, Jr. )  
9 Douglass Lawrence )  
10 Richard Bornemann )  
11 Governmental Strategies, Inc. )

MUR 5573

GENERAL COUNSEL'S REPORT # 2

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15 **I. ACTIONS RECOMMENDED:** Accept the attached proposed conciliation agreements  
16 with Westar Energy, Inc., Carl M. Koupal, Jr., and Douglass Lawrence

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18 **II. BACKGROUND**

19 On October 19, 2004, the Commission found reason to believe that Westar Energy, Inc.,  
20 Carl Koupal and Douglass Lawrence violated 2 U.S.C. § 441b(a)  
21 and 11 C.F.R. §§ 110.6(b)(2) and 114.2(f), and that Governmental Strategies, Inc., and Richard  
22 Bornemann violated 11 C.F.R. § 114.2(f) of the Federal Election Campaign Act of 1971, as  
23 amended ("the Act").<sup>1</sup> At the same time, the Commission authorized entering into pre-probable  
24 cause conciliation with all respondents. The basis for the Commission's findings was evidence  
25 that Westar, its top executives, and an outside lobbyist facilitated the making of earmarked  
26 contributions apparently totaling \$52,050 in 2000 and 2002.

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<sup>1</sup> All of the activity addressed in this Report occurred prior to the effective date of the Bipartisan Campaign Reform Act of 2002 ("BCRA"), Pub. L. 107-155, 116 Stat. 81 (2002). Accordingly, unless specifically noted to the contrary, all citations to the Federal Election Campaign Act of 1971, as amended ("the Act"), herein are to the Act as it read prior to the effective date of BCRA.

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PAGES 2-7 HAVE BEEN REMOVED

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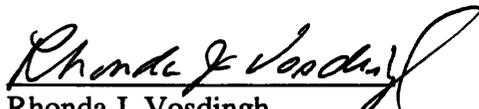
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**V. RECOMMENDATIONS**

1. Accept the attached conciliation agreements with Westar Energy, Inc., Carl M. Koupal, Jr., and Douglass Lawrence, and close the file as to these respondents.
- 2.
3. Approve the appropriate letters.

Lawrence H. Norton  
General Counsel

5/4/05  
Date

BY:   
Rhonda J. Vosdigh  
Associate General Counsel for Enforcement

  
Ann Marie Terzaken  
Assistant General Counsel

  
Elena Paoli  
Attorney

**Attachments**

- 1.
- 2.
- 3.
4. Westar Energy, Inc., Proposed Conciliation Agreement
5. Carl M. Koupal, Proposed Conciliation Agreement
6. Douglass Lawrence, Proposed Conciliation Agreement

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